

Minutes of September 6, 2002 Meeting
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
Joan Dotson
Karen Stein
William Ruh

Tentative

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Mark G. Adelson, Chief, Basin Planning Regional
Jun Martinez, Chief, Regulations
Milasol C. Gaslan, Chief, Storm Water Inland Waters
Gary D. Stewart, Chief, Surveillance and Enforcement
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Legal Counsel

Jorge Leon

Public Attendance

Rod Cruze, City of Riverside
Sandy Caldwell, City of Riverside
Bob Wyatt, Allen Matkins
Behrooz Mortazavi, Eastern Municipal Water District
Mike Duerre
Art Kidman, McCormick, Kidman & Behrens
Don Newcome, Milk Producers Council
Randy Record
Michael Reason, Geologic Associates
Jerry Horne
Paul Ryan, P. F. Ryan & Associates
Nathan de Boom, Milk Producers Council
Timothy Davis, County of Riverside
Tom Rhim, Riverside County Flood Control
Coen Couwenberg, Riverside County Flood Control
Daniel Goodwin
Marjorie Goodwin

Mike Bouris
Greg Woodside, Orange County Water District
Noree Salinas, American Promotional Events
Kent Wegelin, City of Moreno Valley
Peter Wulfman, San Bernardino County Solid Waste Management
Arthur L. Rivera, San Bernardino County Solid Waste Management
Cynthia Gabaldon, City of Corona
Abi Eskandari, City of Corona
Steve Powers, City of Corona
Stephanie Love
Bryan Addis
George Muse, Metropolitan Water District of Southern California
G. Wakali Wekesa, San Bernardino County Environmental Health
Pat King, State Senator Nell Soto
Linda Greilich
Kevin Brandt, the Keith Companies
Rufus C. Young, Jr., Burke, Williams & Sorenson, LLP
Jim King, the Gas Company
Robert Collacott, URS Corporation
Dusty Williams, Riverside County Flood Control
Robert Moehlinh, City of Murrieta
Peter Fox, City of Rialto
Elroy Kiepke, City of Calimesa

2. Public Forum

There were no speakers for this item.

3. Approval of Minutes of July 19, 2002 meeting

There being no additions or corrections, the minutes of the regular board meeting held on July 19, 2002, were approved as presented.

4. Approval of Consent Calendar Items

It was noted that item No. 5 had been removed from the consent calendar. Item No. 7, Renewal of Waste Discharge Requirements, Western Riverside County Regional Wastewater Authority, Western Riverside County Regional Wastewater Treatment Plant (NPDES NO. CA8000316) — Order No. R8-2002-0024 was postponed, and item No. 8 had errata.

*6. Renewal of Waste Discharge Requirements, Lee Lake Water District, Wastewater Reclamation Facility (NPDES CA 800100) — Order No. R8-2002-0001

*8. General Waiver Of Waste Discharge Requirements For Specific Types Of Discharges (Discharges to Land) — Resolution No. R8-2002-0044

*9. Rescission of Waste Discharge Requirements or Enforcement Orders for Specific Facilities — Rescission Order No. R8-2002-0080

*10. Waste Discharge Requirements for Roadway Express Brine Ponds, Bloomington, San Bernardino County,—Order No. R8–2002-0057

Action: It was moved by Member Withers, seconded by Member Ruh, and unanimously approved that the Board adopt Orders No. R8-2002-0001, R8-2002-0044 with errata, R8-2002-0080, and R8-2002-0057.

12. Nitrogen/Total Dissolved Solids (N/TDS) Task Force

Tim Moore, Risk Sciences, updated the Board on activities related to the update of the nitrogen and total dissolved solids management plan specified in the Basin Plan. The public comment period will begin on October 24, 2002, and a Regional Board workshop is planned for December 3, 2002.

*5. Agreement with Members of the Inland Empire Perchlorate Regulatory Task Force

Information pertaining to this item is contained in a verbatim transcript.

Executive Officer Thibeault advised the Board of updated documents included in their packets and requested that this item be postponed to the special Board meeting on September 13, 2002, in the City of Colton.

Action: It was moved by Member Solorio, seconded by Member Ruh, and unanimously approved that the Board continue this item to the September 13, 2002 meeting.

11. Waste Discharge Requirements, Jack Tuls, dba Jack Tuls & Sons Dairy, Riverside County, NPDES CA8000397) -Order No. R8-2002-0027

Information pertaining to this item is contained in a verbatim transcript.

The background of this item was presented by Stephen Mayville, Chief, Dairies Section. It was also noted that this item contained errata.

Speakers on this item were:

Jack Kennedy, Sleepy Hollow RV Park
Randy Record, RGR Dairy Farm
Calvin Smith
Charles Schultz, Golden Era Products
Bryan Addis
Mike Duray
Davis Harris

Nathan de Boom, Milk Producers Council
Mike Bouris, Bouris Ranches
Daniel Goodwin
Ken Hoden, Golden Era Productions
Muriel Dufresne
Anne Jackson

Action: It was moved by Member Ameri, seconded by Member Ruh and unanimously approved that Order No. R8-2002-0027 be adopted with errata; further, that the record reflect that the dairy is being operated by Randy Record under contract with Jack Tulls; and finally that the Order include a clause stating that this matter is subject to reopening following completion of the investigation that is required under the permit.

13. Administrative Civil Liability Complaint, Ronald G. Taylor, Big Bear Lake, San Bernardino County, Administrative Civil Liability Complaint No. R8-2002-0065

(and)

14. Administrative Civil Liability Complaint, John K. Justice, Big Bear Lake, San Bernardino, Administrative Civil Liability Complaint No. R8-2002-0064

Information pertaining to this item is contained in a verbatim transcript.

William Norton, Sanitary Engineering Associate, presented the background and the basis for both Administrative Civil Liability Complaints.

Commenting on this item were Art Kidman, Counsel for Messrs. Justice and Taylor, John Justice, Ron Taylor and Jerry D. Horne.

Action: It was moved by Member Van Cundt, seconded by Member Stein, and unanimously approved that the Board close the meeting and leave the record open for specified written submission to the Board and schedule the item for a decision at the December 3, 2002 meeting.

15. Public Workshop, Renewal of Waste Discharge Requirements, County of Riverside and Incorporated Cities of Riverside County, Area-Wide Urban Storm Water Runoff Program – Order No. R8-2002-0011 (NPDES No. CAS681033)

Information pertaining to this item is contained in a verbatim transcript.

Assistant Executive Officer Kurt Berchtold gave a presentation regarding this item. It was noted that the item is scheduled for presentation for adoption at the October 25, 2002 Board meeting.

Speakers on the item were Rufus C. Young, Jr., representing the City of Hemet, and Dusty Williams, Riverside County Flood Control.

16. Sewage Spills Incident Report

Staff provided the Board with a list of sewage spill incidents.

17. Executive Officer's Report

EO Thibeault mentioned the upcoming Water Quality Coordinating Committee meeting, November 7-8, 2002, and noted that Santa Ana Region will be hosting.

18. Regional Board Member Communications

There were none.

19. Closed Session

There was none.

20. Adjournment

The meeting was adjourned to the special meeting of September 13, 2002, at 9:00 a.m., at the City Council Chambers of Colton.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl

Minutes of September 13, 2002 Meeting
650 N. La Cadena Drive
Colton

1. Chair Beswick called the meeting to order at 8:25 a.m.

Board Members Present

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Seymour Van Gundy
Joan Dotson
Karen Stein
William Ruh
John Withers

Board Members Absent

Mike Solorio

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Ann E. Sturdivant, Chief, Slic/DOD AGT Section
Kamron Saremi, Water Resources Control Engineer
Kevin P. Heinemann, Associate Information Systems Analyst
Barbara Laffoon, Executive Assistant

State Board Representative

Peter Silva

Legal Counsel

Ted Cobb
Jorge Leon

Public Attendance

Edward L. Bertrand, Best Best & Kreiger
Pat King, State Senator Nell Soto
John Key, BLM, California Desert District
Greg Woodside, Orange County Water District
Bob Tinchler, San Bernardino Valley Municipal Water District
Jerry Eagas, West San Bernardino County Water District (WSBCWD)
Anthony Araiza, West San Bernardino County Water District
Richard Orr, Kleinfelder
Rosanna Loan, Caltrans, San Bernardino

2. Public Forum

There were no speakers for this item.

Agreement with Members of the Inland Empire Perchlorate Regulatory Task Force – (continued from September 6, 2002 meeting)

Information pertaining to this item is contained in a verbatim transcript.

Assistant Executive Officer Kurt Berchtold presented this item. He reminded the Board that their consideration of the proposed agreement was continued from the September 6, 2002, Board meeting to allow interested parties to comment on draft changes proposed at that time. In response to comments by interested parties, Mr. Berchtold presented minor additional changes, intended to assure conformance of the language with the authorization provided by Water Code Section 13304(b)(4). He noted that the additional changes had not yet been reviewed/approved by the Task Force.

Speakers to this item were:

Craig Moyer, Manatt, Phelps & Phillips, counsel for Goodrich Corporation
The Honorable Nell Soto, Thirty-second State Senatorial District
Steven Elie, Inland Empire Perchlorate Task Force (IEPTF), Musick, Peeler & Garrett
Katharine Wagner, Downey, Brand, Seymour & Rohwer, counsel for American Promotion Events
West
Robert Wyatt, Allen, Matkins, Leck, Gamble & Mallory LLP, counsel for Kwikset Corporation
Eric Fraser, City of Colton

There was discussion among the Board with regard to attorneys functioning as the contact persons for the agencies involved in the agreement. The Board requested that the designated contact persons for the water agencies be employees rather than attorneys.

Action: It was moved by Member Ruh, seconded by Member Dotson, and unanimously approved that the Board ratify the Agreement incorporating the changes proposed by staff and the additional changes as outlined by Counsel Cobb.

3. Hearing on Petitions Filed by Goodrich Corporation and Kwikset Corporation for Review of Cleanup and Abatement Order (CAO) R8-2002-0051
And
4. Order No. 58-2002-0071, Amending Cleanup and Abatement Order No. RB8-2002-0051

Information pertaining to this item is contained in a verbatim transcript.

Chair Beswick presented the Chair's opening statement.

Board Member John Withers left the meeting at 1:00 p.m.

LUNCH RECESS

The Board was recessed from 12:25 – 1:00 p.m.

RECOVENE MEETING:

Speakers for the Board staff:

Gerard Thibeault
Robert Holub
Jorge León
Kurt Berchtold

Speakers for the IEPTF:

Barry Groveman, Music, Peeler & Grant
Anthony Araiza, WSBCWD

Eric Fraser, City of Colton

Speakers for the Goodrich Corporation:

Craig Moyer, Manatt, Phelps & Phillips
Frank Rovers, Conestoga-Rovers and Associates

Speakers for Kwikset Corporation:

Robert Wyatt, Allen, Matkins, Leck, Gamble & Mallory
Dr. David Dilahay
Dr. George Linkletter, Environ

Speakers for Emhart and Black & Decker:

Henry Lerner, Allen, Matkins, Leck, Gamble & Mallory

CLOSED SESSION

Board Counsel Ted Cobb cited the reason for moving to a closed session to discuss testimony presented and noted that, if the Regional Board determined that the corporate succession was an important issue, further briefing on the subject would be permitted.

The Board entered closed session at 5:10 p.m.

RECONVENE OPEN SESSION

The Board returned to open session at 5:52 p.m.

Action: It was the decision of the Board that CAO Order No. RB8-2002-0051 be rescinded and that the Executive Officer be directed to issue Section 13267 letters to all potentially responsible parties (PRPs), directing them to submit plans to investigate the perchlorate contamination as quickly as possible. The Board also directed that the 13267 letters include language that would provide an incentive for PRPs to provide alternative water supply as a credit for some site investigation work.

*(Note: Subsequent to the Board's meeting, the Chair determined that the Board would deliberate in public on this matter at its meeting of October 25, 2002. Readers should view the Minutes of the October 25, 2002 meeting for final action on this item.)

The Board stressed its concern about the immediate water supply concerns posed by the perchlorate contamination. The Board felt that this rescission action might circumvent major legal delays, which would prolong or prevent a timely cleanup.

5. Adjournment

The meeting was adjourned to the regular meeting of October 25, 2002, at 9:00 a.m., at the City Council Chambers of Corona.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer